Mr. K. Ayyappan *(Ezhuvas South)*.—I second it.

Motion was put and carried.

Deputy President.—The Deputy President will be Chairman. The committee is to report within four weeks.

The Cochin Tenancy and Kudiyiruppu Bill.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri)*.—Sir, I move that the discussion on the motion to refer the Tenancy and Kudiyiruppu Bill to a Select Committee be continued.

മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം *(Cranganur)*.— മിസ്റ്റർ പ്രസിഡൻറ്, സർ, ബഹുമാനപ്പെട്ട റവന്യൂ മെമ്പർ അവർകളുടെ ചില വാദമുഖങ്ങളെ സംബന്ധിച്ച് കുറഞ്ഞൊന്നു സംസാരിക്കാനാണ് ഞാൻ ഇവിടെ എഴുന്നേറ്റു നിൽക്കുന്നത്. വെറുമ്പാട്ടക്കുടിയാൻ ബിൽ മലബാറിൽ നിയമമാണെന്നും, അതു് ഇവിടെ നിയമമാക്കാതിരിക്കുന്നതിന്റെ കാരണമെന്താണെന്നും അദ്ദേഹം വിവരിച്ച ഭാഗമാണ് എനിക്കു അത്ര ബോദ്ധ്യമാവാത്തത്. അദ്ദേഹത്തിനു പ്രധാനമായി പറയുവാനുണ്ടായ ന്യായം മലബാറിൽ ഒരു ലഹള കഴിഞ്ഞതിനുശേഷം ആണ് ഈ ബിൽ അവിടെ നിയമമായതെന്നുള്ള കാരണംകൊണ്ട് കൊച്ചി രാജ്യത്തു് ഏതാദ്ദേശമായ ഒരു ലഹള ഇല്ലാത്തതിനാൽ കൊച്ചിരാജ്യത്തെ മലബാറുമായി താരതമ്യപ്പെടുത്തേണ്ട ആവശ്യമില്ലെന്നാണ്. എന്റെ ഓർമ്മയിൽ അദ്ദേഹത്തിന്റെ വാദത്തിൽ ഏറ്റവും പ്രാധാന്യം അർഹിക്കുന്ന ഒരു വാദമുഖം അതായിരുന്നുവെന്നാണ്. ഒരു സുപ്രസിദ്ധ വാഗ്മിയായ അദ്ദേഹം അദ്ദേഹത്തിന്റെ വാഗ്ധോരണിയിൽക്കൂടി ആ വാദം പ്രവഹിപ്പിച്ചപ്പോൾ അതിന്റെ അസംഭാവികതയെക്കുറിച്ച് ബഹുമാനപ്പെട്ട മെമ്പർമാർക്കു തൽക്ഷണം ഒന്നും തോന്നിയില്ലെങ്കിലും പിന്നീടു അതിനെക്കുറിച്ച് ചിന്തിച്ചപ്പോൾ അതിന്റെ അസംഭാവികതയും അപ്രായോഗികതയും ധാരാളം വെളിപ്പെട്ടിട്ടുണ്ടെന്നാണ് എന്റെ വിശ്വാസം.

മലബാറിൽ ക്ഷമാശീലമില്ലാത്ത, സഹിക്കുവാൻ ശക്തിയില്ലാത്ത, വികാരങ്ങൾക്കടിമപ്പെട്ടു അധീനമാകുന്ന, വിവേകം കുറഞ്ഞ, ബുദ്ധികുറഞ്ഞ, കുറെ ആളുകൾ സഹിക്കുവാൻ നിവൃത്തിയില്ലാതെ, ക്ഷമയില്ലാതെ പൊട്ടുന്നതുവെ വികാരംകൊണ്ടു ചെയ്തിരുന്ന ഒരു സംഗതി അവരേക്കാൾ ബുദ്ധിയിലും അവരേക്കാൾ വിദ്യാഭ്യാസത്തിലും അവരേക്കാൾ പൌരബോധത്തിലും ഉയർന്നിൽക്കുന്ന കൊച്ചീക്കാർ ചെയ്യുന്നില്ലെന്നുള്ളതു് എങ്ങിനെയൊരു കാരണമാകുമെന്നാണു ഞാൻ ചോദിക്കുന്നതു്.

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Mr. K. Achyuta Menon *(Diwan Peishkar).*—This is the first time that my learned friend is seen distorting my arguments. If the Hon'ble Member had followed me and my arguments he would have found that I said on that occasion the rebellion was due to exaction of the jenmies and all that. I did not urge then that it was merely due to the Mopla rebellion that such a legislation was brought into being. Due to exactions by jenmies the tenants mostly Moplas, rose in revolt. I am sorry to see that my argument is murdered by my learned friend in this fashion. He is only weakening the case.

മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം *(Cranganur).*— വെറും ഓമ്മ കൊണ്ടു സംഗതികൾ പറയുന്നതിനേക്കാൾ അദ്ദേഹത്തിന്റെ പ്രസംഗ ഭാഗം അച്ചടിച്ചിട്ടുള്ള ഈ പുസ്തകത്തിൽനിന്ന വായിക്കാമെന്നാണ വിചാരിക്കുന്നത്. അതു ഞാൻ വായിക്കുന്നപക്ഷം മനഃപൂർവ്വം വികൃത പ്പെടുത്തുന്നവെന്നുള്ള വാദത്തിൽനിന്നും എനിക്കു രക്ഷപ്പെടാമെന്നാ ണും തോന്നുന്നതു്.

I shall read here portion of his speech, Sir. The Hon'ble the Revenue Member said on the last occasion thus:— 'You will find there that the main consideration, the main cause which led to the Malabar Act was the agrarian rebellion or revolution in Malabar and the revolt of the Moplas. That was the state of tenancy there. Here it is not so.' Sir, that was the state of tenancy there. Here there is no rebellion. Then again the Revenue Member continuing has said when the Member for Adur interrupted him by the remark that the mopla tenants rose in revolt because they were rackrented by the jenmies. 'Threats of that nature have no terrors for us.' In other words Sir, he is not afraid of an aggrarian revolution here. For an aggrarian revolution there the Malabar Government has responded in this way. So I say what other evidence in the name of goodnesss could show and that in black and white that the Hon'ble Member took such a position then?

അതുകൊണ്ടു മലബാറിലെ വികൃതങ്ങളൊന്നും ക്രടാതെ, മലബാ റിൽ ഉണ്ടായ ക്ഷോഭകരങ്ങളായ പുറപ്പാടുകൾ വന്നാൽത്തന്നെയും വിദ്യാഭ്യാസസംബന്ധമായും രാജ്യമീമാംസാസംബന്ധമായും പൌര ബോധസംബന്ധമായും അവരേക്കാൾ പരിഷ്കൃതരാണെന്നു് കൊച്ചീ ഗവമ്മെൻറുപോലും തദനന്തരം ഉൽഘോഷിക്കുന്നതായ നമ്മുടെ കൊ ച്ചിരാജ്യത്തിൽ, പൊതുജീവിതത്തിന്റേയും, കൊച്ചിഗവമ്മെൻറിന്റേ യും ഉൽക്കർഷത്തെ മുൻനിറുത്തിക്കൊണ്ടു് ജനങ്ങളുടെ ആവശ്യങ്ങൾ ഇന്നതാണെന്നു് കാണിക്കുവാൻ വേണ്ടിയുള്ള തീക്ഷ്ണപരമായ കായ്യ പരിപാടികൾ അവർ എടുക്കുന്നതിനു മുമ്പുതന്നെ അവരുടെ ആവശ്യ ങ്ങളെ മുൻകൂട്ടിക്കാണുന്ന ഒരു പരിഷ്കൃത ഗവമ്മെൻറാണു കൊച്ചിഗ

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വമ്മെന്റെന്നും, പൊതുജനാഭിപ്രായമാണ് ഇവിടെ ഉള്ളതെന്നും ലഹളകളൊന്നുംക്രടാതെ പൊതുജനങ്ങളെ സംരക്ഷിക്കണമെന്നും, അതിലേക്കുവേണ്ടി ഈ ബിൽ പാസാക്കി ഗവമ്മെൻറിനെ ഉൽബോധിപ്പിക്കണമെന്നുമാണ് എനിക്ക് ഈ ബഹുമാനപ്പെട്ട സഭയെ ഉണർത്തിക്കുവാനുള്ളത്.

ഇപ്രകാരമുള്ള ഒരു നിയമം ഇവിടെ വരുത്തുവാൻ തീക്ഷ്ണപരമായ, മലബാറിൽ ഉണ്ടായിരുന്ന ചോരയും രക്തവും അക്രമവും ഇവിടെ ഇല്ലെന്നു വാദിച്ചതിനുശേഷം പിന്നീട് അദ്ദേഹം പുറപ്പെടുവിച്ചിട്ടുള്ള വാദമാണു എനിക്കു ഇതിലുമധികം എതിർക്കാനുള്ളത്. ഇവിടെ അതിനുള്ള ചുറുപാടില്ല, ആവശ്യമില്ല, പൊതുജനാഭിപ്രായമില്ല എന്നുള്ള നിലയിൽ പോയതിനുശേഷം അദ്ദേഹം പറഞ്ഞ വാദഗതി ഈ ബില്ലിനു വേണ്ടത്ര സംരക്ഷണ ഇല്ലെന്നാണ്. അതായത് വേണ്ടത്ര സംരക്ഷണ ഈ ബിൽവെറുമ്പാട്ടക്കുടിയാന്മാക്ക ചെയ്യുന്നില്ലെന്നാണ്.

മിസ്റ്റർ കെ. അച്യുതമേനോൻ *(Diwan Peishkar)*.— അതിന്റെ മലയാളം 'ഉപയോഗശൂന്യം' എന്നാണ്.

മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം (*Cranganur*).— അതെ, ഉപയോഗശൂന്യം. ആദ്യം പറഞ്ഞു ആവശ്യമില്ല എന്ന്. പിന്നീട് പറഞ്ഞു ബിൽ ഉപയോഗശൂന്യമാണെന്ന്. അതായത് തലയും വാലും ഇല്ലാത്തമാതിരി.

മിസ്റ്റർ കെ. അച്യുതമേനോൻ *(Diwan Peishkar)*.— രണ്ടും ഇല്ല, ശരിയാണ്.

മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം (*Cranganur*).— ഞാൻ ഈ ബിൽ വായിച്ചുനോക്കിയതിൽ യാതൊരു ദോഷവും ഉള്ളതായി കണ്ടില്ല. ഈ ബിൽ തള്ളിക്കളയണമെന്നാണു അദ്ദേഹം പറഞ്ഞിരിക്കുന്നത്. അതു സംരക്ഷണ വേണമെന്നു പറയുന്നവോ അവർ ഇതിൽ പെടുന്നില്ലെങ്കിൽതന്നെയും ഇതിനെ നിരുപണം ചെയ്യുന്നതു ബില്ലു തള്ളിക്കളഞ്ഞിട്ടാണോ? 'ഏലിയെ കൊല്ലുവാൻ ഇല്ലം ചുടുന്ന സമ്പ്രദായം' അണ് അതു. ഈ ബില്ലിൽ കൂടുതലായി എന്തെങ്കിലും ചേർക്കുവാനുണ്ടെങ്കിൽ അതിനുള്ള അധികാരം കൊടുക്കുകയും, വല്ല പോരായ്മകളുമുണ്ടെങ്കിൽ അതിനെ ദൂരീകരിക്കുകയുമാണു വേണ്ടതു.

അതുകൊണ്ടു ബഹുമാനപ്പെട്ട റവന്യൂ മെമ്പർ പറഞ്ഞിട്ടുള്ള രണ്ടു വാദമുഖങ്ങളും വച്ചുകൊണ്ടും ഈ ബില്ലിനെ ഉപേക്ഷിക്കരുതെന്നും, നേരെമറിച്ച് ഈ ബില്ലിനെ നിങ്ങളെല്ലാവരും ഏകമായ അഭിപ്രായത്തോടുകൂടി പാസാക്കുകയാണു വേണ്ടതെന്നും ഉള്ള എന്റെ അഭിപ്രായത്തെ ഇവിടെ രേഖപ്പെടുത്തിക്കൊള്ളുന്നു.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—Sir, I hope the Hon'ble Member for Cranganur has

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not come across a speech of mine which he intends to understand in his own way.

Well when the matter was discussed I remember more than one non-official member pointed out how the bill apart from its internal inaccuracies and imperfections how the general idea underlying the Bill tended to do harm to the tenants whose welfare the Bill seeks to promote. I may tell at the first instance that there are important distinctions between Malabar and Cochin. No doubt we have our jenmies here but a very large percentage of the land in the State is directly cultivated or so cultivated indirectly as to mean practically direct pattom under Varam, yearly pattom, etc. According to this Bill if a piece of land is given possession to a tenant for 5 minutes that finishes the landlord's right to get back that property. If a whisper of these provisions reaches the ears of the jenmies then not a cent of land will be forthcoming to the tenant for cultivation in future. For the first part the Cochin public cannot afford that. For giving this benefit to some of the sub-tenants they will not be prepared and they will certainly fight shy of any such partnership in future.

Mr. A. Eachara Menon *(Chittur Rural).*—What will the jenmies do with their properties?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—It has been already pointed out that even with regard to jenmies there is always the question of intermediary tenants. There are several complications in our land tenure and we should understand them before we give support to a legislation of this nature which is not wanted by a considerable section of the public of the State. Further, before you want to introduce a legislation against a considerable section of the public there should be an extraordinary desire a unanimity of opinion of a large section of the people of the State. We must have abundant justification for that and what is more we should know what is exactly intended by this Bill. We should have that justification before we give whatever fixity of tenure on verumpattom tenant.

Mr. T. K. Nayar *(Pazhayannur).*—Is the opposition from the verumpattom tenants?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—The Verumpattom tenants who know their business will oppose because good verumpattom tenants will not have anything to fight about. Because he knows he could fight only if he gets land.

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Mr. K. Ayyaypan *(Ezhuvas South)*.—It is the jenmi who owns the lands.

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—It is the tenants who own the lands in this State. In British Malabar a good portion of the lands a very vast proportion of the lands seem to be in possesssion of absentee jenmies.

Mr. P. Kumaran Ezhuthassan *(Wadakkanchri)*.—May I know what is the basis of that statement of Government?

Mr. Thomas Manjuran *(Government Advocate and Law Officer.)*—If you will carefully read the Raghaviah Committee Report you will find that.

Mr. V. K. Krishnankutty *(Anthikad)*.—Will you please read it?

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—The Hon'ble Member himself may read it for his own sake.

That is a distinction which Hon'ble Members will remember. Take the case of an intensely cultivated land like the Vypeen Island. Between how many hundreds or thousands of tenants that land is divided, do you know? There is no doubt there is one big jenmi, the Paliyam. And Paliyam owns only one-twentieth of that. All the remaining land is divided between hundreds or thousands of tenants. The Hon'ble Member for South Ezhavas knows that.

Mr. K. Ayyappan *(Ezhuvas South)*.—Why do I know?

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—You know that the land is divided between thousands of tenants. Supposing a tenant who has got a little more than his neighbour and if he were to give a slice of his own land to the other for cultivating, if this bill comes into existence, he will know that if he requires that slice for putting up a building or for his children, he will not be able to get it back. As things stand at present, even if it were given to his neighbours, he will get it back whenever he wants it.

മിസ്റ്റർ കെ. അയ്യപ്പൻ *(Ezhuvas South)*.— വൈപ്പിൻ ഐലണ്ടിൽ പാലിയം മുതലായ വലിയ ജന്മികളല്ലാതെ കാണക്കുടിയാന്മാർ വല്ലവരും ഭൂമികൾ പാട്ടത്തിന്നു കൊടുക്കുന്നുണ്ടോ?

Mr. Thomas Manjuran *(Government Advocate and Law Officer)*.—കാണക്കുടിയാന്മാർ കൊടുക്കുന്നില്ലെങ്കിൽ മറ്റാരു കൊടുത്താലെന്താണ്. The Bill does not concern only Kanam tenants.

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മിസ്റ്റർ കെ. അയ്യപ്പൻ (*Ezhuvas South*).— അവിടെ അങ്ങി നെ ആരെങ്കിലും കൊടുക്കുന്നുണ്ടോ എന്നാണ ഞാൻ ചോദിക്കുന്നത്. സ്വന്തമായി കൃഷിചെയ്യുവാൻ നിവൃത്തിയില്ലാത്തവർ മാത്രമേ കൊടു ക്കുന്നുള്ളൂ. ബാക്കിയുള്ളവരാരും കൊടുക്കുന്നില്ല.

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—ധാരാളം പേർ കൊടുക്കുന്നുണ്ട്. Nobody in the Vypeen Island has given out of his lands on lease.

Mr. K. Ayyappan (*Ezhuvas South*).—Why not?

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—For the simple reason that I fore-saw the difficulty. I know there are several other people who do like that. The more that we make the law stringent the less the tenant will get the land on lease. I have not got extensive lands there and the little land I have I can cultivate myself. I am not the only man who cultivates his land himself. The idea now is when once you part with your land, you cannot get it back. I can understand big jenmies like Paliyam and Variyam can afford to lease out their lands. They may be in a position. They will not be very much concerned about even granting a fixity of tenure. But to give fixity of tenure with regard to certain pattom rights whether five months old or five centuries old is not fair. Even with regard to kanoms fixity of tenure was granted only to those thirty years old. The recent amendment is that fixity of tenure should be given only to kanoms prior to 1090. By this what you want is, you must get 100 per cent more valuable rights to a verumpattom tenure then a kanam tenure. Yesterday's verumpattom tenure is more sacred than the kanam tenure of a century old. So I must say that it is a pernicious Bill. It is an inconsistent and meaningless bill from the point of view of the tenant himself.

Mr. K. M. Kunhi Moideen (*Kattur*).—Are you going to accept it if a period is fixed?

Mr. Thomas Manjuran (*Government Advocate and Law Officer*).—I am speaking on the bill as it stands. The Hon'ble Member must remember that this bill was circulated to the numerous persons and in the answers returned, not one is for this bill. Is it not very striking? Not one is in favour of it. Who would support a measure which not one man, one level-headed man, gives his support. This is a measure for giving absolute fixity of tenure to a tenant of verumpattom tenure. Fixity of tenure to kanams which came into existence 30 years previous

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to 1090 in the first instance, and eventually by the Bill which we passed yesterday, to all kanams which came into existence before 1090, were given. Merely because for reasons exotic to Cochin, to pass a Bill like this is meaningless. Have they so legislated in Travancore? You simply turn to one side.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Have they legislated for verumpattom tenants?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—They have not. To the best of my information, it is a fact, I believe. I do not want to make absolute statements. The Hon'ble Member may correct me if I am wrong. But one thing I have to state is you turn to one side and see something going on there and taking that for some other thing to request this Government to introduce such a change is something meaningless. Turn to the right. Nothing of the sort has ever been thought of or done in Travancore which is 5 times bigger than Cochin. It is easy to legislate about which we have no interest, secondly about which we are not concerned and thirdly when it deals with other people's matters. Do not believe I am insinuating. I am only a plain-spoken man. To me it appears to be unnecessary. Hon'ble Members will think over this matter and go through the history of aggrarian legislation in the State and the reasonableness of the thing. I know Government will never agree to vote for this wholesale measure which will not only conduce no benefit to the verumpattom tenant but will bring confusion, uncertainly and will hit hard upon the tenants whose cause you are championing. In these circumstances, the Government are constrained to oppose this Bill.

Mr. A. V. Moothedan *(Chalakkudi).*—I oppose this motion.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Can an Hon'ble Member speak a second time on the same motion.

Mr. K. M. Ibrahim *(Cranganur).*—Was not, Sir, a similar Bill considered by the Select Committee of this House and reported on in the previous Council?

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Something like this Bill was attempted to be introduced by somebody and it was allowed to die a natural death. It was never sent to a Select Committee.

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Mr. K. M. Ibrahim *(Cranganur)*.—May be that the Council was dissolved and it did not go to the Select Committee.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri)*.—Mr. President, in replying to the debate upon the motion for reference to a Select Committee of a bill that I conceived to be in the best interests of the occupiers of the land as distinct from the owners or proprietors, I am surprised indeed, Sir, to find opposition which I did not expect to come from the sources from where they came. It has been opposed by the Government, Sir, on the ground that a level-headed man will not care to think about the Bill. And in support of that statement it has been stated by no less responsible a person, than the distinguished Government Advocate of our country that the Bill which was circulated for opinion amongst the people of the State, failed to bring forth a favourable opinion even from a single individual. But, Sir, questions answered in this House, on previous occasions tell us that the Government is not in a position to inform this House as to how many tenants this Bill has been sent for opinion or whether it has been circulated amongst any tenant at all. That question was put by me deliberately in the Budget Session. It was vaguely answered. I followed up the question with supplementary questions. It was again answered in the most vague fashion. It has been stated by the Government that they are not in a position to tell us as to how many of the 90 persons amongst whom all this Bill was circulated were tenants. I tried to pursue that question further and sent up a question for this session. I got from the Secretary to the Government the reply that that question cannot be answered in as much as it has been answered previously. I again followed up that question by sending up another question pointing out that the previous question answered in the Budget Session did not touch the point I now raised. No reply has been given to the question either refusing to answer that question or answering it during any of the days of this Session. I hope it may come up tomorrow, because the Bill would be finished today and the purpose of the question therefore over. That is the position taken up by the Government so far as the answering up of that question. So, Sir, I will not be far wrong in stating that we are not now in a position to state whether the bill has been circulated amongst tenants at all.

Then let us look at the replies received from the gentlemen to whom the Bill was sent. Here from the printed copies of the replies received in response to the circulation—the replies

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have been circulated amongst us—you would be pleased to find Sir, that out of the 7 or 8 persons from whom alone replies have been received, one of them is a tenant. I would put itin the other way that everyone who has sent up an opinion is a landlord. I would further say that everyone who has answered is interested adversely to the passing of this legislation. You have got criticisms emanating from persons who are interested to see that this Bill does not pass the stage at which it has reached now. And I am surprised to find that the Government in their opposition bank very much upon the few criticisms by persons whose vagaries this Bill proposes to put an end to.

Mr. Thomas Manjuran *(Government Advocate and Law Officer).*—Why could not the others also write?

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—I will tell you why. The tenants of Cochin do know from various sources that a Bill like the cne before this House is a Bill which is very much to their benefit which is very much useful to relieve them from the clutches of the landlord, who in very many cases, resort to arbitrary eviction and rackrenting. Is it likely, Sir, is it necessary I ask, for such tenants who know the beneficial effect of a legislation like this to tell that this legislation is necessary? It is not. It is enough for them that the Bill before the house is passed. For that they rely on the Hon'ble Members of this House. I can understand a legislation which is to affect them, the tenants, prejudically, to be adversely commented upon by them just as the jenmis who think they will be adversely affected by this Bill have thought it necessary to comment upon it and to say that the Bill is not wanted. Does it require I ask Sir that amount of level-headedness as was mentioned by the Hon'ble Government Advocate to understand this simple proposition? The reason for the tenants not sending up their opinion even if the Bill had been sent to them is that no comment is necessary upon a Bill that is not going to affect them prejudically but gives them fixity of tenure which they very much desire. Have the Government circulated the Bill amongst the tenants? They have not. At any rate they have not told this House that they have. Therefore I am to presume that you have not circulated it amongst the tenants at all.

Mr. K. Achyuta Menon *(Diwan Peishkar).*—According to your argument, why should it be circulated?

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Shall I answer that? Do you seriously want me to answer that question? If you do I like you to answer the question

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whether you concede that fact that you have not circulated it amongst the tenants. The fact remains from the answers given by Government that they have not been pleased to tell this House that they have really circulated this Bill amongst tenants. In other words, they do not know whether the 90 persons amongst whom this Bill was circulated are tenants or jenmies.

The seven or eight gentlemen who have favoured us with their opinion, all of them are jenmies or persons having capitalistic interest and such persons can have sent up criticisms against the Bill, and they have sent them. If the Government think that they have circulated the Bill among the tenants also and the Government advance an argument that tenants having not sent up their criticisms they are against the Bill the Government are entirely in the mistake. Their not sending up criticisms means only that they have to say nothing against the bill and that they welcome it with open hands. I submit, Sir, that and that alone is the reason why they have not answered the Government even if they have circulated the bill amongst the tenants. Have the tenants sufficient notice of the Bill if really the Bill has not been sent up to them?

Mr. A. V. Moothedan (*Chalakkudi*).—These proceedings have been reported in the several newspapers and they can give their suggestions that they welcome this Bill and that is necessary.

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—And look at the jenmies who have sent up these criticisms. One of them is one of the biggest jenmies of the State Mr. A. K. T. K. M. Narayanan Nambudiripad who has got more verumpattom holdings with tenants than kanom holdings, who therefore does not like the idea of this Bill being passed. Because, if that Bill is passed fortunately for the tenants—and I am sure it will be passed if not today, at a later, because the eyes of the Government will be opened in later years, if necessary by a riot, although the learned Revenue Member says that he is not afraid of it.....

Mr. K. Achyuta Menon (*Diwan Peishkar*).—Personally I am familiar with these big talks.

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—We are also accustomed to such big talks from the other side.

Mr. K. Achyuta Menon (*Diwan Peishkar*).—I have heard it several times.

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Mr. P. Kumaran Ezhuthassan *(Wadakkancheri)*— One such big talk has been advanced now by the Government Advocate when he said that if the Bill is passed then tenants would no more get lands for cultivation.

Now, Sir, this big jenmi hailing from my own taluk, I was saying, does not like the Bill to be passed, for then, he would not be able to have his own ways with the tenants as he is now having. And what are the reasons advanced by him to say that the Bill is not necessary? He says that the jenmis are such a good folk and that they are not accustomed to evictions, that rents collected by them are very small and very modest. And who says this? A person who is to be adversely affected by this measure. Are we going to take it at its face value? Certainly not. Records of this Jenmi in Courts and Offices show that the facts given by that Jenmi are not correct. There are very many instances of rack-renting and arbitrary evictions practised by this Jenmi himself.

Mr. A. V. Moothedan *(Chalakkudi)*.—Can you quote instances? I put the same question during the last meeting and you failed to answer.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri)*.— I think it is an interruption which I need not care to answer.

Deputy President.—Order, order, no personal remarks.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri)*.—If you take objection to that, Sir, I cannot help it. I can only say that I am referring to the statement sent to us for the purpose of discussing this Bill. The statement of that jenmi is as follows:— "I am a good man, I do not rack-rent my tenants, I do not evict them." I question that statement and I have every right to do it. And many others of the same type have sent up objections also of the same type. The name of one gentleman has been mentioned here by one Hon'ble Member who opposed this Bill last time. He is the retired Tahsildar Mr. Kunhan Menon. It is stated even in his remarks, that he is both a jenmi and a tenant and it was brought out here by the Hon'ble Member for Vyttila that he is a tenant of a very respectable jenmi from whom we have nothing to fear. Although the tenures of that jenmi go by the name of verumpattom it is no ordinary verumpattom, it is almost Pandaravaka Verumpattom. It has been stated by the Hon'ble Member for Vyttila that that particular gentleman is the holder of lands on verumpattom tenure under

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Valiamma Tampuran Kovilagam. And no tenant of this swaroopam has anything to fear by way of eviction and the verumpattom fixed are known to be extremely low. So now let us look at the criticisms received in the light of these facts. We find, Sir, that it is only from jenmies that adverse criticisms have been received and if there be so called tenant his present position is even much better than what he would get if the Bill is passed. These jenmies say that the charges that are levelled against them are not true. Their statement can be disproved by a reference to the various judicial Courts of this State. That a large number of suits for eviction amounting to a large jurisdictional value have been filed in our courts during the last five years is admitted by the Government in answer to one of my questions during the Budget Session. Already I have referred to that fact in the speech I made in opening this subject here. All these things surely show that jenmies do resort to arbitrary eviction, rack-renting, etc. It has been stated by the Hon'ble the President last time that as far as legislation of this sort is concerned, before launching upon such a legislation, the persons responsible for that must prove a case for it and what was stated by the Hon'ble President then was that no case has been made out. After listening to the speech by the mover of this Bill as also the speeches made by some other Hon'ble Members in support of this Bill, I do not know what exactly is meant by that statement that no case has been made out. Instances of rack-renting have been mentioned here. The only thing that was not mentioned here was the fact that was referred to by the Hon'ble Member for Revenue, viz., a moplah riot as is said to have taken place in Malabar long ago. That is the only thing that was not mentioned here. Rack-renting, if you will look round, you will find. Arbitrary eviction, there is in plenty.

What is really asked for by this Bill? The Bill only claims fixity of tenure to the tenant who is the actual cultivator of the soil so long as he is prepared to pay the pattom fixed or even enhanced pattom, if there is a real case for the enhancement of the pattom. The Bill contains provisions to safeguard the interests of the jenmi, the owner of the land. Provisions there are in the Bill already to that effect. If necessary, security for the due payment of the pattom can be taken. That is also provided for in the Bill. As for raising pattoms that also can be done under the Bill. What exactly is the objection for or such a Bill going to a select committee? I really fail to see.

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A serious objection raised by the Hon'ble the Law Member for this Bill was with reference to the Bill that was recommitted to this House and which was passed yesterday, viz., the amendment to the Kudyan Bill Act No. II of 1090. It had been asked very seriously by the learned Government Advocate whether it is not ridiculous to ask for fixity of tenure for Verumpattom all round while under the amended Bill passed by this House even superior tenures like kanoms have not been given irredeemability if they are tenures entered into subsequent to the 8th day of Thulam 1090. But the Government Advocate seems to have forgotten the fact that that Bill to which reference was made was passed 5 long years back and with a clause for redumption only under two conditions, viz., wilful denial of jenmis' title and acts of wastes which materially affect the value of the property. That was the sort of the Bill that was passed 5 years ago in favour of the favoured tenants, viz., the kana-kudiyans and it was when that Bill was pending disposal with His Highness that this Bill happened to be introduced. Can the Government, Sir, reasonably question the impropriety of inevictability provisions of the nature appearing in the draft Bill and more drastic than similar provisions of the amending Bill passed 4 or 5 days back when the sequence of time of these Bills is remembered? Certainly not. The event that the Government Advocate has referred to, Sir, is an event subsequent to the introdution of the Bill. Now if changes unhappily have been made in the Kudiyan Amendment Bill passed by us the other day in the clauses of evictability and if such changes should be made in this Bill also it can be done in good time. I submit, Sir, if that is an argument against this Bill, that argument is sufficiently met by the possibility of having proper provisions regarding age-limit of Verumpattom Tenures introduced in this Bill at the stage of the Select Committee. That will be the proper time and not now. Anything that is to be done to safeguard the interests of the jenmi, whose rights our Government is seen to be very jealous of protecting and perhaps rightly because, our Government is a capitalistic, can be done by the Select Committee. Jenmis are capitalistic and they have an identity of interest with our beneign Government and I do not grudge that attitude of sympathy for the Jenmis evinced by our Government. If you are interested in protecting the interests of the jenmi, by all means do it and do it well but only at the proper time. But do not bring that argument to stifle this Bill at this stage. That is the prayer that I make to the Government and their supporters. That is the motion on which I ask for a vote of this House. I submit, Sir, that in this state

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of affairs, it will not be too much to expect that even from the members who spoke against the Bill going to the Select Committee when it was moved here during the budget session, I submit, Sir, it will not be too much on my part to expect the support even of those Hon'ble colleagues because, the motion is after all one for reference to Select Committee. Any person interested in safeguarding the interests of the jenmi and any person who wants to improve the Bill to suit the conditions of Cochin in the interests of both jenmi and tenant can very well come on the select Committee and offer his suggestions and see that a practicable Bill, equitable to the tenant and equitable to the jenmi alike is passed. That alone is the proposition before the House. Therefore I again ask whether the members who had been disposed to oppose the Bill, will they not be pleased to lend their support for this motion for reference to a select Committee and agree to sit on the same to urge their view point. I also request the Government although two of the Hon'ble Members of the Treasury Benches have opposed this Bill, the opposition of one of the members having been sufficiently answered by my friend for Cranganur and the opposition of the Government Advocate being attempt to be answered by my humble self, will the Government be pleased at least to assume an attitude of neutrality at the voting on the motion for reference to the Select Committee? Will the Treasury Benches be pleased to remain neutral and leave the matter completely in the hands of the non-officials so that the Bill may go to the Select Committee and come back with recommendations and changes that will safeguard the interests of the jenmi owner while granting fixity of tenure to the occupier of and worker on the holding? Therefore, I make an appeal to the non-official section of this House to support the motion for reference of this Bill to a select committee to do the necessary things to make the Bill equitable to the tenant and equitable to the jenmy. I also repeat my request to the Hon'ble Members of the Treasury benches at least to remain neutral if they cannot lend their support for this modest motion for reference of this Bill to the select committee, which after all is not anything which is going to prejudically affect the jenmies. The absence of such a Bill, take it from me, Sir, will prejudicially affect the jenmy more than the tenant. Let me therefore hope to have the unanimous support of my honourable non-official colleagues for the motion before the House.

Motion was put and negatived.

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Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— Poll, Sir.

POLL.

Ayes.

1. Mr. K. Ayyappan
2. ,, A. Eachara Menon
3. ,, P. Govinda Menon.
4. ,, K. M. Ibrahim.
5. ,, E. Ikkanda Warriar
6. ,, C. R. Iyyunni
7. ,, T. K. Nayar
8. ,, V. K. Krishnankutty
9. ,, K. M. Kunhimoideen
10. ,, P. Kumaran Ezhuthassan
11. ,, T. A. Ramachandra Ayyar.
12. Dr. A. R. Menon
13. Mr. K. S. Panickar.

Noes.

1. Mr. K. Achyuta Menon
2. ,, V. K. Achyuta Menon
3. ,, V. K. Aravindhaksha Menon
4. ,, K. Ashtamoorthi Nambudiripad
5. ,, K. Ayyappan
6. ,, A. L. Devassy
7. ,, P. J. George
8. ,, George Parakkal.
9. T. C. Iyyukutty
10. ,, K. P. Kannan Nayar
11. ,, V. K. Kutty.
12. ,, K. S. Manickam
13. Mrs. Meenakshi N. Menon.
14. Mr. A. Narayana Menon.
15. Rao Sahib I. N. Menon.
16. Mr. K. Narayana Menon.
17. ,, T. Narayana Menon.
18. Dr. D. Raghavendra Rao
19. ,, A. R. Puduval
20. Rama Varmha Tampuran
21. Mr. A. Sivarama Menon.
22. ,, M. Sivarama Menon.
23. ,, Thomas Manjuran
24. ,, A. V. Moothedan.
25. ,, P. C. Varckey.
26. Mrs. D'Souza Williams.

Neutrals.

1. Mr. V. S. Krishnan Vaidyan.
2. ,, K. Kunjirama Menon.
3. ,, M. A. Sankunni.

Motion was therefore lost.

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